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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE CIVIL JURISDICTION

WRIT PETITION NO.306 OF 2006

Jeevandhara Gram Vikas Pratishthan ... Petitioner

V/s.

Government of Maharashtra ... Respondent

Mr.V.M. Parshurami with S.Kadam for Petitioner
Mr.P.P. Kakade, AGP, for Respondent Nos.1 to 3

CORAM: **V.G. PALSHIKAR, Ag.C.J &**
SMT.NISHITA MHATRE, J.

DATED: **JANUARY 25, 2006**

P.C.:

. By this Petition, the Petitioner has challenged the order passed by the Government of Maharashtra pursuant to a direction of this Court in Public Interest Litigation No.104 of 2005 requiring the decision as expeditiously as possible.

2. Accordingly, the Chief Secretary of Government of Maharashtra considered the entire representation and has passed a reasoned order which is impugned by this Petition. The Government has found in paragraph 5 that only six months remained of the scheme of work and almost 90% of the project work is still to be completed. Then it is observed by the Government that in such circumstances it is almost impossible for the petitioner

to complete the work. Then the Government proceeds to note that there are serious complaints against the Petitioner and the Chief Executive Officer of the Satara Zilla Parishad who was present during the hearing also submitted that the present Petitioner had not then even submitted the progress report and the details of the work done and expenditure incurred and, therefore, the State was convinced that the objective of timebound water shed development project would be defeated if the project is allowed to continue with the present Petitioner.

3. According to the learned Counsel appearing on behalf of the Petitioner, these findings are incorrect as they are not supported by adequate material and, therefore, the order should be set aside.

4. If these submissions are to be accepted, it will be a case of serious disputed questions of fact which cannot be gone into in a writ jurisdiction. Apart from that, according to the Petitioner, he has completed substantial work for which he has been paid. The remaining work can be completed by the Petitioner. It is a State project and it is for the Government to decide how to get it completed. If the Petitioner has any grievances regarding the payment for the work done,

remedies are open to the Petitioner to settle those claims. We see no reason to interfere.

5. It is also alleged that the entire process is vitiated by malafides of Respondent Nos.3 and 5. The contention is that at the behest of Respondent No.5, Respondent No.2 has done what he has done by the impugned order. Having found that serious dispute of fact exists, we see no reason to interfere merely on the ground of malafides which also would be question of fact to be proved by cogent evidence. Hence, the Petition is rejected.

6. Request for status quo is rejected.

7. Parties to act on an authenticated copy of this order.